

Therapeutic Courts: A Systemic Approach to Social Justice

Hon. Michael Finkle
King County District Court

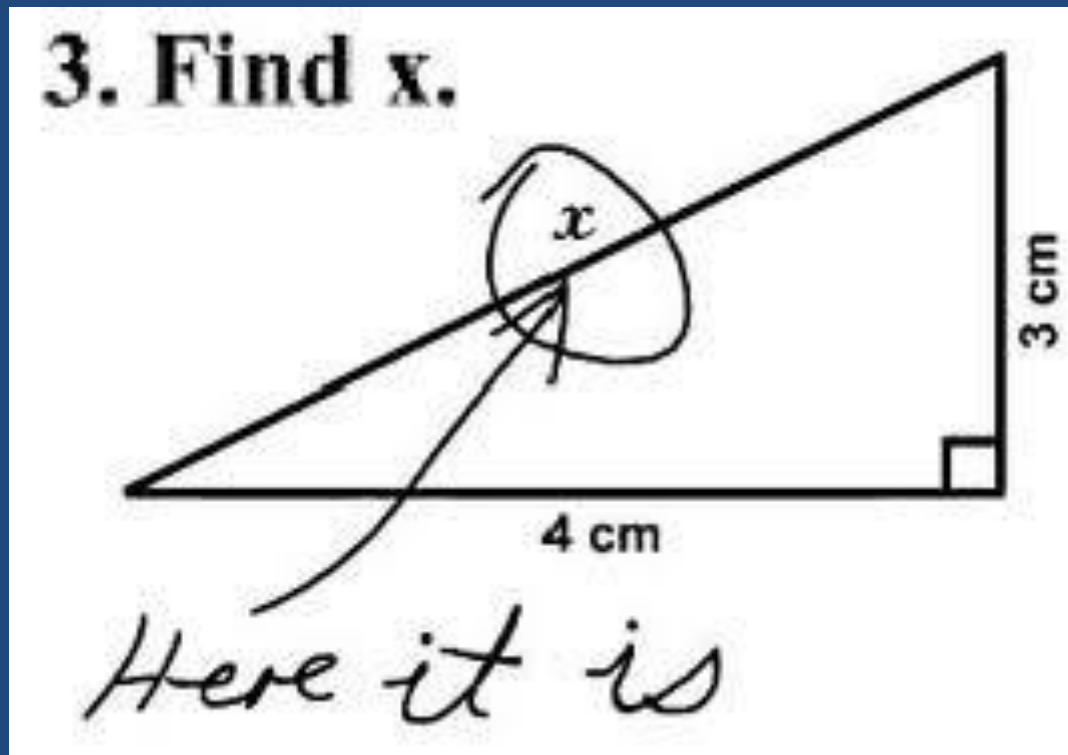
What is a “Therapeutic Court”?

- Criminal court
- Team approach
 - “Traditional “ court system
 - Non-traditional view of roles
- Resolve root cause of involvement with criminal justice system
 - Accessing resources and treatment

More commonly known therapeutic courts:

- Mental Health Court
- Veterans Court
- Drug Court

➤ Solving old problems in creative new ways:



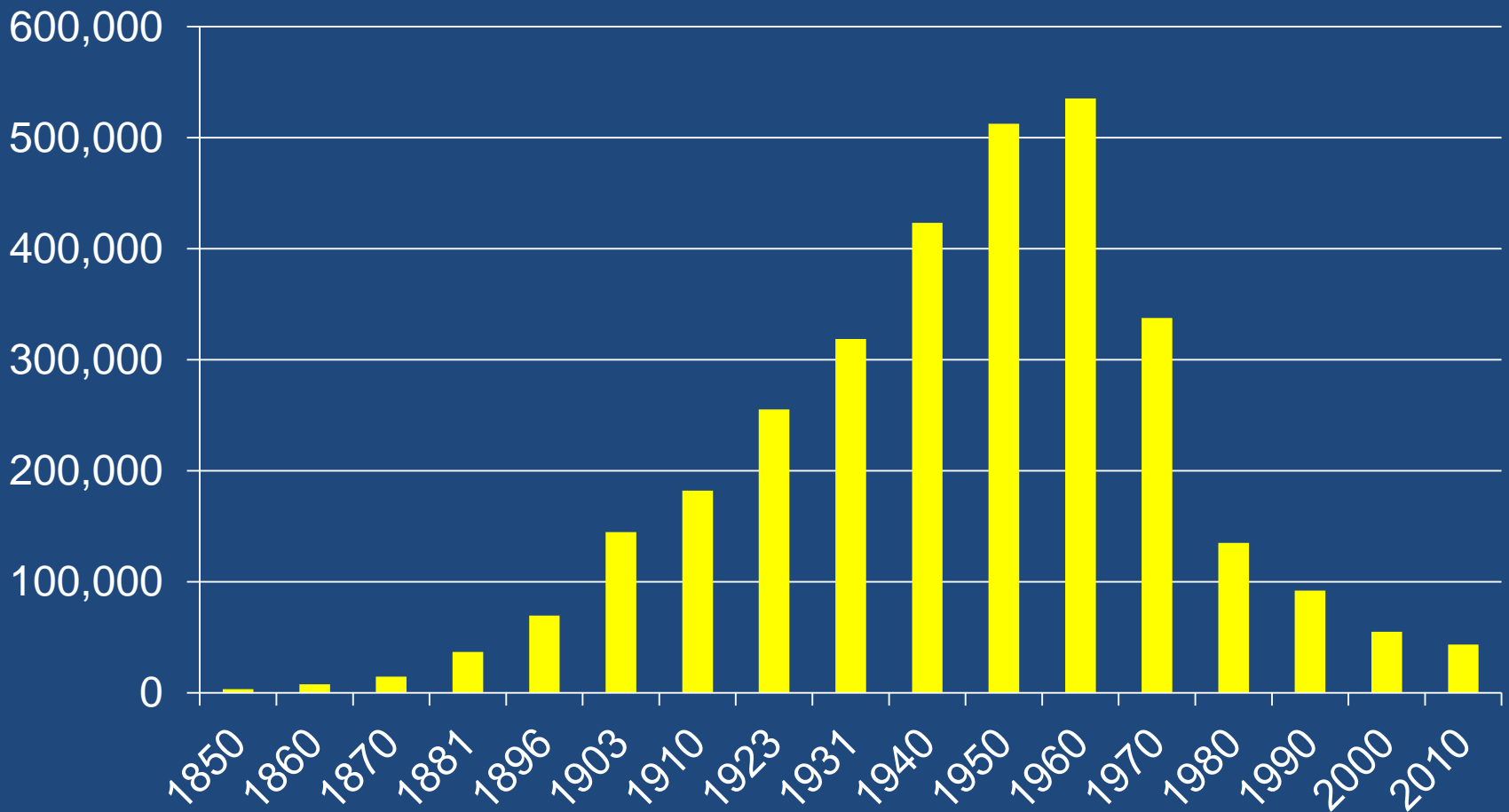
Why Do We Need Mental Health Courts?

➤ Jails have become de facto treatment facilities:



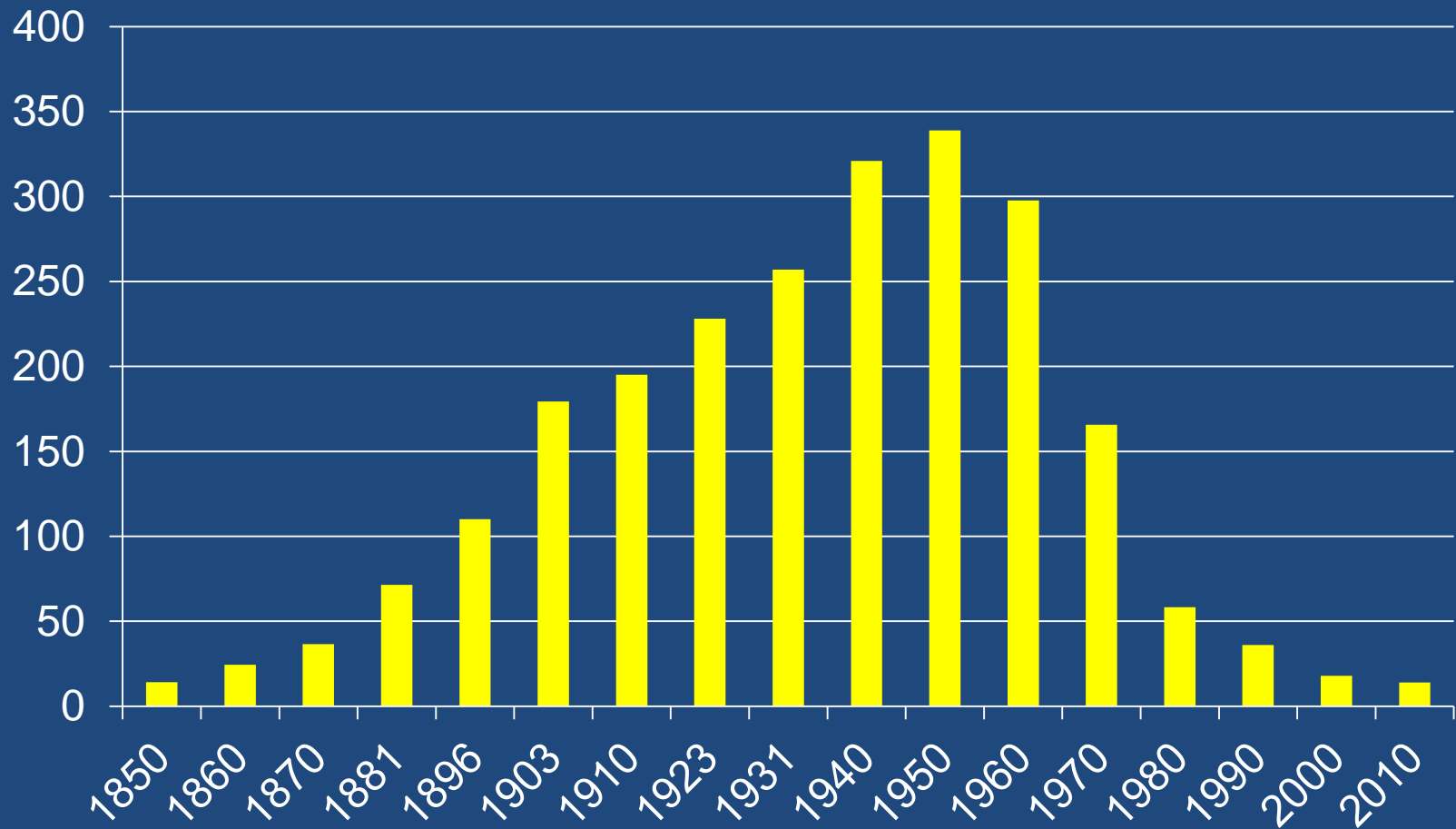
Public Psychiatric Hospital Beds Used

(Per Treatment Advocacy Center, 2012)



Beds per 100,000 Population

(Per Treatment Advocacy Center, 2012)



- 50 beds per 100,000 population is considered minimally necessary per Treatment Advocacy Center
- Ratio is same to day as in 1850 (14.1)
- No State is at or above 50 as of 2010
 - Mississippi is highest at 39
 - Washington is at 18.1
 - Minnesota is lowest at 3.9

- As of 2006, the three largest psychiatric inpatient facilities in the US by bed population are:
 - Los Angeles County Jail
 - Cook County (Chicago) Jail
 - New York County Jail

- In 2006, per DOJ, 84% of jail inmates with mental illness receive no treatment
- “Our local police forces have become armed social workers”
 - LA County Police Chief’s Association president (2007)
- “By default, we’ve become the mental health agencies for individual counties”
 - Sheriff of Pueblo County, CO (2007)

➤ “Revolving door” effect:



- Person suffers from mental illness
- Contact with criminal justice system for low level
- No access to treatment
- Credit for time served and released
- Contact with criminal justice system

➤ Traditional approaches don't work:



- Waiting for a more serious offense before providing treatment is not an acceptable option
- Using the same unsuccessful approach will have the same unsuccessful results

➤ Enough is enough!



Mental Health Court History

- 1997: Broward County, FL creates 1st MHC in the country
- 1997: Dan Van Ho kills retired Seattle firefighter Stanley Stevenson
- 1997: State task force recommends:
 - Reforming mental health laws
 - Creating mental health courts

- Feb. 1999: King County District Court creates 2nd MHC in country
- Mar. 1999: Seattle Municipal Court creates 4th MHC
- June 2010: KCDC expands regionally to provide access to municipal courts (RMHC)
- Present: Over 250 MHCs

King County District Court RMHC Mission Statement

The Regional Mental Health Court will strive to increase public safety and humanely deal with individuals with mental disorders who enter the criminal justice system. This court is committed to focusing resources, training and expertise on the unique needs of those individuals.

➤ Eligibility criteria

- Severe and persistent mental illness with psychotic features
- Nexus between mental illness and criminal behavior
- Mental health issues predominate over chemical dependency issues
- Defendant amenable to treatment

➤ Team members:

- Judge
- Prosecutor
- Public defender
- Public defense social worker
- Court monitor
- Probation
- Defendant

➤ Other important components

- Mental health treatment providers
- Chemical abuse treatment providers
- Housing sources
- Case managers
- Law enforcement



Inner Workings of RMHC

➤ Source of cases:

- Misdemeanor and gross misdemeanor referrals from District Court
- Felony “dropdowns” from Superior Court
- Misdemeanor and gross misdemeanor referrals from cities

➤ “Courtesy hearings” and first steps:

- Release of information
- Screening by Court Monitor
- Staffing by team
- Release plan created
- “Conditions of Release” monitored by Court Monitor

➤ “Opt in” or “opt out”:

- RMHC is voluntary
 - Prosecution makes RMHC offer
 - Defendant opts out and retain right to trial, or opts in
 - Judge makes final decision to accept case into RMHC
- RMHC is not a “plea mill”

➤ Post opt-in:

- Treatment plan
- Frequent hearings
- Creative alternatives to jail for noncompliance
- “Way to go” cards

➤ Graduation!

➤ Competency cases:

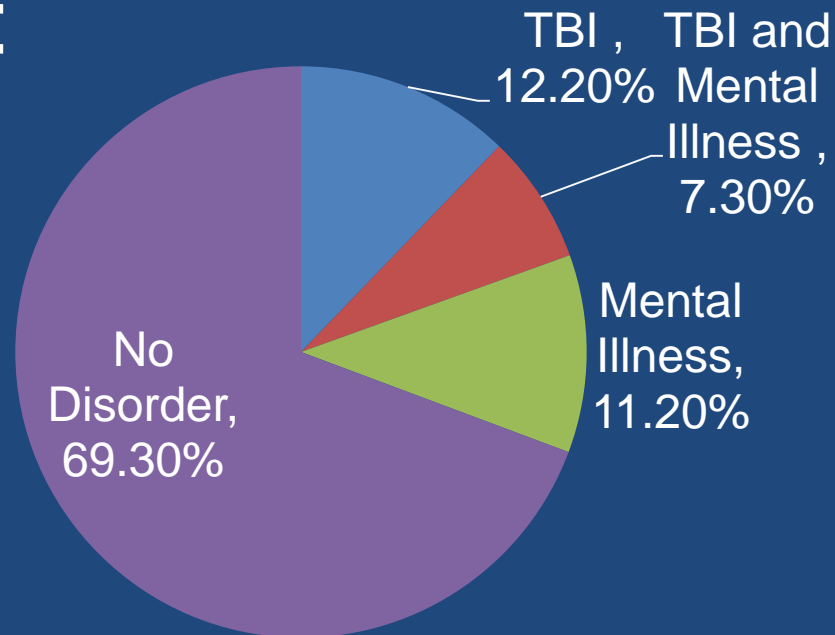
- All State misdemeanor competency cases referred to RMHC
- Concentrated expertise leads to:
 - More appropriate referrals for evaluation
 - Better understanding of complex laws
 - Ability to manage logistics of high volume of competency referrals

Why Do We Need Veterans Courts?

- Veterans in WA – approx 460,000 (143,000 in King County)
- Prevalence of PTSD among veterans:
 - Vietnam: 30% lifetime prevalence; 15% current
 - Gulf War: 10-12% lifetime prevalence
 - OIF/OEF*: 14% current

*Operation Iraqi Freedom/Operation Enduring Freedom

➤ Prevalence of traumatic brain injury and mental illness among OIF/OEF veterans:



Veterans Courts History

- 2008: Buffalo creates first Veterans Court
- 2011: Seattle Municipal Court creates its own Veterans Court
- June 14, 2012: KCDC creates its Regional Veterans Court (RVC)
- Currently over 70 Veterans Courts are in existence

King County District Court RVC Mission Statement

The King County District Court's Regional Veterans Court will serve veterans and the public by:

- Addressing the underlying issues that have resulted in a veteran being referred to the criminal justice system.

- Providing a courtroom environment that is supportive and respectful of the veteran and the victim, and conducive to reaching a successful outcome in every case.

- Striving to increase public safety through a collaborative, team-based approach that includes the veteran, and that incorporates individualized treatment plans, close monitoring, and creative approaches to resolve difficult issues.

➤ Eligibility criteria:

- Same as RMHC, or PTSD or TBI
- Honorable discharge or general discharge under honorable conditions
- Nexus (same as for RMHC)
- Mental health issues predominate (same as for RMHC)
- Defendant amenable to treatment

➤ Team members:

- Judge
- Prosecutor
- Public defender
- Public defense social worker
- Court monitor
- Veterans justice outreach coordinator
- Probation
- Defendant

➤ Other important components:

- Same as RMHC
- Federal, state, local veterans services and other resources

Inner Workings of RVC

➤ Similar to RMHC

“I do believe I’m feeling stronger
everyday, yeah, yeah, yeah”

Chicago (70’s Musical Group)

The whole is greater than
the sum of its parts

